

AGENDA BILL APPROVAL FORM

Agenda Subject: Resolution No. 4579		Date: March 9, 2010
Department: Public Works	Attachments: Resolution No. 4579, UTC Order (TR-100193) & Project Agreement dated February 26, 2010, Vicinity Map	Budget Impact: \$ 0
Administrative Recommendation: City Council adopt Resolution No. 4579.		
Background Summary: <p>On January 29, 2010, the City of Auburn applied for a grant with the Washington Utilities and Transportation Commission (UTC) to fund installation of battery back-up power systems for the traffic signals at three crossings in the City. The crossings are identified as West Main and C Street Southwest; 3rd and C Street Northwest; and 37th and B Street Northwest in the City of Auburn. Each crossing is located within 150 feet of a BNSF Railway railroad crossing. Each intersection includes interconnection between the BNSF railroad signals and the City's traffic signals.</p> <p>On February 26, 2010, the UTC notified the City of being awarded a grant in the amount of \$20,000. The total ask to the UTC was to authorize an expenditure of \$20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the cost to install the battery back-up system. The approximate cost of the project is \$39,600. For costs exceeding \$20,000, the City has approximately \$19, 600 in FY2010 to complete this project.</p> <p>The proposed back-up power systems will provide power to the traffic signals if there is a power outage. Without consistent power, the traffic signal preemption will cease communicating with the railroad signals thus creating the potential for traffic to back-up over the railroad crossings. The railroad signals already have a battery back-up system maintained by BNSF Railway.</p> <p>Pursuant to the project agreement, all work must be completed no later than December 31, 2010.</p> <p>W0315-9 O4.9, O4.5</p>		
Reviewed by Council & Committees: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> COUNCIL COMMITTEES: <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>		Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input checked="" type="checkbox"/> Public Works </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing ____/____/____ Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____		
Councilmember: Wagner		Staff: Dowdy
Meeting Date: March 15, 2010		Item Number: VIII.B.6

RESOLUTION NO. 4579

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT GRANT FUNDING FROM THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION - GRADE CROSSING PROTECTIVE FUND

WHEREAS, the City of Auburn is proposing to install battery back-up power systems for traffic signals at three crossings in the City to improve pedestrian and vehicular safety at each location. The crossings are identified as West Main and C Street Southwest; 3rd and C Street Northwest; and 37th and B Street Northwest in the City of Auburn; and

WHEREAS, on January 29, 2010 the City of Auburn submitted a grant application to the Washington State Utilities and Transportation Commission Grade Crossing Protective Fund to partially fund the installation of these battery back-up systems; and

WHEREAS, on February 26, 2010, the Washington Utilities and Transportation Commission awarded the City a Grade Crossing Protective Fund grant for the amount of \$20,000 with no required local funding match for construction of the project; and

WHEREAS, the Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-

highway grade crossings within the state of Washington, and authority to approve and administer disbursements from the Grade Crossing Protective Fund; and

WHEREAS, it is in the best interest of the City to use State monies to finance capital improvements to the transportation system; and

WHEREAS, the Washington Utilities and Transportation Commission requires a Local Agency Agreement to utilize Grade Crossing Protective funds for the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, KING COUNTY, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. The Mayor is hereby authorized to execute a Local Agency Agreement between the City and Washington Utilities and Transportation Commission for the Construction phase in the total amount of \$20,000, in substantial conformity with the agreement attached hereto, marked as Exhibit "A" and incorporated herein by this reference.

Section 2. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. This resolution shall be in full force and effect upon passage and signatures hereon.

Dated and signed this _____ day of _____, 2010.

CITY OF AUBURN

Peter B. Lewis
Mayor

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

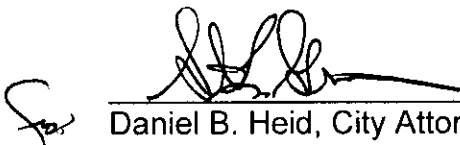
_____
Daniel B. Heid, City Attorney

Exhibit "A"

PROJECT AGREEMENT GRADE CROSSING PROTECTIVE FUND

Docket No.: TR-100193

Commission Approval Date: February 26, 2010

A. PARTIES OF THE AGREEMENT

This project grant agreement (agreement) is entered into between the Washington Utilities and Transportation Commission (UTC), P.O. Box 47250, Olympia, Washington 98504-7250 and the City of Auburn, 25 West Main Street, Auburn, Washington 98001, and shall be binding upon the agents and all persons acting by or through the parties.

B. PURPOSE OF THE AGREEMENT

This agreement sets out the terms and conditions by which grants are made from the Grade Crossing Protective Fund. These grants are administered by the UTC to the grantee for Docket No. TR-100193, identified above.

C. DESCRIPTION OF PROJECT

TR-100193 involves installing battery back-up power systems for the traffic signals at three crossings with interconnection between the railroad and traffic signals. The crossings are identified as USDOT 085655A, 085652E, and 085647H. The crossings are located at West Main and C Street Southwest; 3rd and C Street Northwest; and 37th Street and B Street Northwest and BNSF Railway's tracks in the City of Auburn in King County, Washington.

D. PERIOD OF PERFORMANCE

The project reimbursement period shall begin on February 26, 2010, and end December 31, 2010. No expenditure made before or after this period is eligible for reimbursement unless incorporated by written amendment into this agreement.

E. PROJECT FUNDING

Total grant funding awarded by the UTC for this project shall not exceed \$20,000. The total approximate cost of the project is \$39,600. The City of Auburn is contributing \$19,600 toward the project. The grantee shall be responsible for all additional costs.

F. RIGHTS AND OBLIGATIONS

All rights and obligations of the parties to this agreement are subject to this agreement and its attachments, including the grantee's application, commission orders, and the general provisions, all of which are attached and incorporated into this agreement.

Except as provided, no alteration of any of the terms or conditions of this agreement will be effective unless provided in writing. All alterations must be signed by both parties.

The grantee has read, fully understands and agrees to be bound by all terms and conditions in these documents.

G. COMPLIANCE WITH APPLICABLE STATUTES, RULES, AND UTC POLICIES

This agreement is governed by, and the grantee shall comply with, all applicable state and federal laws and regulations, including RCW 81.53.281, the published agency rules in 480-62 WAC, and the commission's order in this matter which are incorporated by this reference as if fully set forth.

H. PROJECT GRANT AGREEMENT REPRESENTATIVE

All written communications sent to the grantee under this agreement will be addressed and delivered to:

City of Auburn
Chris Hankins
25 West Main Street
Auburn, WA 98001

Utilities and Transportation Commission
Kathy Hunter
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

These addresses shall be effective until receipt by one party from the other of a written notice of any change.

I. ENTIRE AGREEMENT

This agreement, along with all attachments, constitutes the entire agreement of the parties. No other understandings, oral or otherwise, regarding this agreement shall exist or bind any of the parties.

J. EFFECTIVE DATE

This agreement shall be effective upon signing by all parties.

State of Washington
Utilities and Transportation Commission

By: _____
(Executive Director and Secretary)

Date: _____

City of Auburn

By: _____

Date: _____

Title: _____

Approved as to form:

By: _____ /s/
Assistant Attorney General

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET TR-100193
)	
CITY OF AUBURN,)	ORDER 01
)	
Petitioner,)	ORDER GRANTING PETITION TO
)	UPGRADE RAILROAD-HIGHWAY
)	GRADE CROSSINGS AND
)	AUTHORIZING EXPENDITURE FROM
)	THE GRADE CROSSING PROTECTIVE
)	FUND
)	
Seeking Approval to Upgrade)	USDOT: 085655A
Railroad-Highway Grade Crossings.)	USDOT: 085652E
)	USDOT: 085647H

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BACKGROUND

- 1 On January 29, 2010, the City of Auburn (Petitioner) filed with the Washington Utilities and Transportation Commission (Commission), a petition seeking approval to install battery back-up power systems for the traffic signals at three crossings with interconnection between the railroad and traffic signals. The crossings are identified as USDOT 085655A at West Main and C Street Southwest; USDOT 085652E at 3rd and C Street Northwest; and USDOT 085647H at 37th and B Street Northwest in the City of Auburn. Each crossing is located within 150 feet of a BNSF Railway railroad crossing. The Petitioner further requested the Commission authorize an expenditure of \$20,000 from the Grade Crossing Protective Fund (GCPF) to pay for a portion of the upgrades.
- 2 Railroad warning devices at the West Main Street and C Street Southwest; 3rd Street Northwest and C Street Northwest; and 37th Street Northwest and B Street Northwest crossings consist of cantilever mounted lights and gates. The Petitioner proposes to install battery back-up power systems for the traffic signals at these crossings. The proposed back-up power systems will provide power to the traffic signals if there is a power outage. Without consistent power, the traffic signal preemption will cease communicating with the railroad signals thus creating the potential for traffic to back-up over the railroad crossings. The railroad signals already have a battery back-up system maintained by BNSF Railway.
- 3 Approximately 30 freight trains traveling up to 40 miles per hour use these crossings daily. Passenger trains traveling up to 79 miles per hour also use these crossings. These

upgrades will improve the overall safety at the crossing because there will be no disruption of the traffic signal preemption during periods of power outages. The Manual of Uniform Traffic Control Devices recommends a battery back-up system for interconnected traffic signals.

- 4 The Petitioner is requesting a disbursement of \$20,000 to pay for a portion of the upgrades. The total approximate cost of the project is \$39,600. The City of Auburn will pay for costs exceeding \$20,000. An expenditure of \$20,000 from the Grade Crossing Protective Fund is available to help fund the improvements.

FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington, and authority to approve and administer disbursements from the Grade Crossing Protective Fund. *RCW 81.53; RCW 81.53.271; RCW 81.53.281.*
- 6 (2) The grade crossings at West Main Street and C Street Southwest; 3rd Street Northwest and C Street Northwest; and 37th Street Northwest and B Street Northwest, identified as USDOT 085655A; USDOT 085652E; and USDOT 085647H are public railroad-highway grade crossings within the state of Washington.
- 7 (3) RCW 81.53.261 requires the Commission grant approval prior to any changes to public railroad-highway grade crossings within the state of Washington. *See also WAC 480-62-150.*
- 8 (4) RCW 81.53.271 allows the Commission to disburse up to \$20,000 from the Grade Crossing Protective Fund to pay for the installation of a grade crossing protective device, without requiring the Petitioner to share the cost.
- 9 (5) Commission Staff investigated the petition and recommended that it be granted, subject to specified conditions.
- 10 (6) After reviewing City of Auburn's petition filed on January 29, 2010, and giving due consideration to all relevant matters and for good cause shown, the Commission grants the petition and request for disbursement of funds.

ORDER

THE COMMISSION ORDERS:

// City of Auburn's petition to upgrade warning devices at a railroad-highway grade crossing, located at West Main Street and C Street Southwest; 3rd Street Northwest and C Street Northwest; and 37th Street Northwest and B Street Northwest, is granted. The cost of this upgrade shall be paid from the Grade Crossing Protective Fund. Approval of the petition is subject to the following conditions:

- (1) Expenditure from the Grade Crossing Protective Fund must not exceed \$20,000.
- (2) Payment will be made upon presentation of claim for reimbursement for materials and labor, and verification by Commission Staff that the work has been satisfactorily completed.
- (3) City of Auburn must sign and return the attached project agreement.
- (4) The project must be completed no later than December 31, 2010.
- (5) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation *Manual on Uniform Traffic Control Devices*.
- (6) City of Auburn must notify the Commission on completion of the upgrades authorized in this Order. Acceptance of the upgrades is subject to inspection by Commission Staff, and verification that the crossing is in full compliance with applicable laws, regulations, and the conditions specified in this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective February 26, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).

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GRADE CROSSING PROTECTIVE FUND**

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State of Washington
Utilities and Transportation Commission

By: _____
(Executive Director and Secretary)

Date: _____

City of Auburn

By: _____

Date: _____

Title: _____

Approved as to form:



By: _____ /s/
Assistant Attorney General

